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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,388	08/31/2000	Gudmundur "Jim" Hjartarson	20510-4.00US	2861

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EXAMINER

GHULAMALI, QUTBUDDIN

ART UNIT	PAPER NUMBER
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2631

13

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/652,388

Applicant(s)

HJARTARSON ET AL.

Examiner

Qutub Ghulamali

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31-62 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 11-13, 15-17, 23, 24 and 28-30 is/are rejected.
- 7) ☒ Claim(s) 4, 6-10, 14, 18-22 and 25-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Acknowledgment

1. This Office Action is responsive to the Amendment filed on 12/11/2003.

Response to Arguments

3. Applicant's arguments with respect to claims 1-13 and the newly cited claims 14-62 and subsequent dependent claims, have been considered, but are moot in view of the new ground(s) of rejection. Rejections based on the newly cited reference(s) follow:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 11, 15, 16, 23, 24, 29, 30, are rejected under 35 U.S.C. 102(b) as being anticipated by the prior art of instant application.

Regarding claims 1, 5, 11, 15, 16, 23, 24, 29, 30, the prior art of the instant application (fig. 2) discloses a communication system network configuration of a Multi Service Data Network (MSDN) having more aggregate bandwidth which enable the routing and switching of packets or cells (voice and data) to a conventional telephone

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comprising the MSDN 32 interconnect various Digital Subscriber Loop Access Multiplexers (DSLAMs) 34 with multiple DSL Line Cards 36 that interfaces to and communicates over a twisted pair loop 18 (transmission medium) to DSL customer premise equipment (CPE), DSL CPE may be self contained and connected to a source of packet/cell data such as a computer (not shown), may be a DSL network interface card (NIC (not shown) internal to a computer or CPE herein called voice packetizing CPE 38 transforms the analog signals from a **conventional** telephone terminal 20 into voice **packets** or cells, the CPE 38 includes most of the functions associated with a conventional telephone switch POTS line card 16 in its voice engine 42 and analog front end 44, a voice over internet protocol (VoIP) or Voice over Asynchronous Transfer Mode (VoATM) engine 46, the packet/cell stream generated by the VoIP/VoATM 46 is transmitted to and received from the DSLAM 34 by means of the DSL modem 40 (see specification pages 2-3, lines 30-34, 1-34 respectively).

Regarding claims 2, 3, the prior art of the instant application (figs. 1, 2) discloses a conventional telephone terminal 20, the voice packetized CPE 38 include most of the functions associated with a conventional telephone switch POTS line card 16 in its voice engine 42 and analog front end 44 (see specification page 3, lines 15-17).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 12, 13, 17, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art of the instant application in view of O'Toole et al (US Patent No. 5,889,856).

Regarding claims 12, 13, 17, the prior art of the instant application (fig. 2) discloses a communication system network configuration of a Multi Service Data Network (MSDN) having more aggregate bandwidth which enable the routing and switching of packets or cells (voice and data) to a conventional telephone comprising the MSDN 32 interconnect various Digital Subscriber Loop Access Multiplexers (DSLAMs) 34 with multiple DSL Line Cards 36 that interfaces to and communicates over a twisted pair loop 18 (transmission medium) wherein the Modem is a DSL Modem at customer premise equipment (CPE), DSL CPE may be self contained and connected to a source of packet/cell data such as a computer (not shown), may be a DSL network interface card (NIC (not shown) internal to a computer or CPE herein called voice packetizing CPE 38 transforms the analog signals from a conventional telephone terminal 20 into voice packets or cells, the CPE 38 includes most of the functions associated with a conventional telephone switch POTS line card 16 in its voice engine 42 and analog front end 44, a voice over internet protocol (VoIP) or Voice over Asynchronous Transfer Mode (VoATM) engine 46, the packet/cell stream generated by the VoIP/VoATM 46 is transmitted to and received from the DSLAM 34 by means of the DSL modem 40 (see specification pages 2-3, lines 30-34, 1-34 respectively). However, the prior art of the instant application fails to disclose the line card is operative to receive said data signal on

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the same loop as said voice signal and wherein broadband analog front end separates said data signal from said voice signal.

O'Toole et al disclose a wide-band 5 carries the bulk of the ADSL-line bandwidth data to the customer, the ADSL uses the high frequencies for data traffic and low frequencies for voice calls, the signal received over copper phone line 20 is split (separates) into high- and low frequency components (see column 2 line 58-67; col. 2, line 24-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of O'Toole et al into the prior art of the instant application to allow effective data and voice operations.

Regarding claim 28; and in combination with the disclosed prior art, O'Toole et al further discloses (fig. 8), PCM highway 34 are decoded by decoder 74 wherein either a A-Law or u-Law encoding is normally used for transmitting voice calls over PCM highway 34 (see col. 9, lines 37-44). Therefore, it would have been obvious to one of ordinary Skill in the art at the time the invention was made to incorporate the teaching of O'Toole et al's into the prior art of the instant application to allow digitizer circuit Implement one A-Law code and a u-Law code for greater flexibility.

Allowable Subject Matter

5. Claims 4, 6-10, 14, 18-22, 25-27 are objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

6. Claims 31-50, 51-62 allowed.

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Conclusion

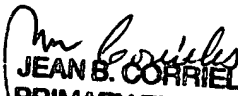
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hwang et al (US Patent 6,535,505), Gerszberg et al (US Patent 5,970,473), Akers (US Patent 5,883,941) are cited as arts of interest.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qutub Ghulamali whose telephone number is (703) 305-7868. The examiner can normally be reached on Monday-Friday from 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammed Ghayour can be reached on 703 306-3034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QG.
February 17, 2004


JEAN B. CORRIELLUS
PRIMARY EXAMINER
2/19/04